

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 97-12J
)	
TYRAIL MICHAELS)	
)	
Defendant.)	

MEMORANDUM ORDER

In this memorandum order, the court considers the pro se motion filed by defendant Tyrail Michaels (“defendant” or “Michaels”) to have his supervised release violation time run concurrently with his state sentence.

In his motion, Michaels asserts that he would like to participate in several programs while incarcerated on his state sentence at the state institution. He argues he is prevented from participating in those programs due to the federal detainer lodged against him. Michaels provides no evidence or details of the circumstances surrounding his alleged denial of participation in any state programs due to the federal detainer.¹ Michaels, however, includes, as an attachment to the motion, documentation of numerous rehabilitative programs that he has completed during his incarceration in the state system over the past six years.

The court commends Michaels on his participation in and successful completion of the rehabilitation programs offered, as well as his desire to be a responsible member of society. The skills Michaels develops should serve him well upon re-entry into

1. Defendant does not assert that his inability to participate in the programs is unconstitutional. See 28 U.S.C. § 2254; Tremarco v. United States, 412 F.Supp. 550, 555 (D.C. N.J. 1976).

society. The court, as found previously (Docket No. 120), finds no legal basis for reconsideration of the sentence this court imposed as a result of Michaels' supervised release violation. The sentence imposed was appropriate when it was imposed and the consecutive nature of the sentence is consistent with the recommendations of the sentencing guidelines. U.S.S.G. § 7B1.3(f); Docket No. 120. Michaels alleges no change in condition or change in the law that would merit reconsideration. The court encourages Michaels to enroll in appropriate federal programs upon release into federal custody in order to continue his rehabilitation and development.

AND NOW, this 8th day of May 2008, upon consideration of defendant Tyrail Michaels' pro se motion to have his supervised release violation time run concurrently with his state sentence (Docket No. 126), the brief in support of the motion (Docket No. 128), and the response by the United States (Docket No. 127), the court finds that the sentence previously imposed is appropriate.

IT IS HEREBY ORDERED that the motion is denied.

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Counsel of record